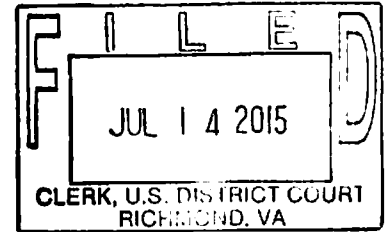


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



MARK E. LEE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:13CV251-HEH
)	
HAROLD W. CLARKE,)	
)	
Respondent.)	

**MEMORANDUM OPINION
(Dismissing Action)**

Mark E. Lee (“Lee”), a Virginia prisoner proceeding with counsel, submitted a Petition for a Writ of Habeas Corpus (ECF No. 1), pursuant to 28 U.S.C. § 2254, challenging his conviction in the Circuit Court for the City of Richmond (“Circuit Court”) for second degree murder. By Memorandum Opinion and Order, entered on October 28, 2013 (ECF Nos. 8–9), the Court denied Lee’s § 2254 Petition. *See Lee v. Clarke*, No. 3:13CV251-HEH, 2013 WL 5797857, at *7 (E.D. Va. Oct. 28, 2013).

Lee then appealed to the United States Court of Appeals for the Fourth Circuit (the “Fourth Circuit”). On March 20, 2015, the Fourth Circuit reversed the decision of this Court and “remanded [the action] with instructions to issue Lee a writ of habeas corpus unless the Commonwealth of Virginia endeavors to prosecute him in a new trial within ninety days.” *Lee v. Clarke*, 781 F.3d 114, 129 (4th Cir. 2015).


Per the directive of the Fourth Circuit, this Court informed the parties, by Memorandum Opinion and Order entered on April 13, 2015 (ECF Nos. 18–19), that the

writ of habeas corpus would issue “unless the Commonwealth of Virginia endeavors to prosecute [Lee] in a new trial within ninety days.” (Order, Apr. 13, 2015, ECF No. 19.)

By Memorandum Order entered on May 19, 2015, the Court directed Respondent to provide a status report of any efforts by the Commonwealth to further prosecute Lee. (ECF No. 23.) Respondent informed the Court on May 20, 2015, that Lee’s case was scheduled for a new trial in the Circuit Court on June 5, 2015. (ECF No. 24.)

Thereafter, the Court directed counsel for Lee to inform the Court of the status of Lee’s state criminal proceeding, whether any further action in this matter is warranted by this Court, and whether the Court may dismiss the present action. (Mem. Order, June 26, 2015, ECF No. 26.) On July 8, 2015, counsel for Lee notified the Court that Lee pled guilty to manslaughter in the Circuit Court on June 5, 2015 and that his sentencing is scheduled for August 5, 2015. (Resp. to Order, July 8, 2015, ECF No. 27.) Counsel for Lee represents that no further action is warranted from the Court and the Court may dismiss the action. (*Id.*) Accordingly, the above-captioned matter will be DISMISSED.

An appropriate Order will accompany this Memorandum Opinion.

 _____ /s/
Henry E. Hudson
United States District Judge

Date: July 14, 2015
Richmond, Virginia